

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: : CASE NO.: 23-22271-shl
: : CHAPTER: 7
Abalook, LLC, : : HON. JUDGE:
Debtor. : : Sean H. Lane
: :
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ORDER GRANTING *IN REM* RELIEF FROM THE AUTOMATIC STAY

Upon the motion (the "Motion") of SN Servicing Corporation as servicer for U.S. Bank Trust National Association as Trustee of the Tiki Series III Trust (with any subsequent successor or assign, the "Movant"), (a) pursuant to 11 U.S.C. § 362(d)(1), from the automatic stay imposed in this case under 11 U.S.C. § 362(a) as to Movant's interest in real property commonly known as 105 Overlook Road, Pomona, NY 10970 (Section: 25.06; Block: 2; Lot: 2) (the "Property"), and (b) pursuant to 11 U.S.C. § 362(d)(4)(B), for *in rem* relief from the automatic stay imposed in subsequent cases under 11 U.S.C. § 362(a), such that any and all future filings under the Bankruptcy Code during the next year by the debtor herein, Abalook, LLC (the "Debtor"), or any other person or entity with an interest in the Property shall not operate as a stay as to Movant's enforcement of its rights in and to the Property; and, after due and sufficient service and notice, the Court having held a hearing on the Motion on May 30, 2023; and no opposition having been submitted; and, after due deliberation, the Court having determined that the filing of

the Debtor's bankruptcy petition was part of a scheme to delay, hinder, and defraud creditors that has involved multiple bankruptcy filings by the Debtor affecting the Property; and good and sufficient cause appearing, including the failure of the Debtor to perform their duties as debtors under the Bankruptcy Code in good faith in multiple bankruptcy cases affecting the Property, it is

ORDERED that for the reasons set forth in the Motion and at the hearing on the Motion, the automatic stay under 11 U.S.C. § 362(a) is vacated under 11 U.S.C. § 362(d)(1)-(2) as to Movant's interest in the Property, to permit Movant to pursue its rights in and remedies in and to the Property; and it is further

ORDERED that, under 11 U.S.C. § 362(d)(4), and provided that this order is recorded in conformity therewith, this order terminating the automatic stay under 11 U.S.C. § 362(a) as to Movant's interest in the Property shall be binding in any other case filed under the Bankruptcy Code purporting to affect the Property that is filed not later than one year after the date of this order, such that the automatic stay under 11 U.S.C. § 362(a) shall not apply to Movant's interest in the Property; and it is further

~~ORDERED that the Movant is granted reasonable attorney fees in the amount of \$1,050.00 and costs in the amount of \$188.00; and it is further~~

ORDERED that the Movant shall promptly report to the chapter 7 trustee any surplus proceeds of the Property.

Dated: July 6, 2023

/s/ Sean H. Lane
United States Bankruptcy Judge